

EUROPEAN PARLIAMENT
Delegation for relations with the countries
of South East Europe

PARLIAMENT OF SERBIA AND MONTENEGRO
Committees on European Integration, Foreign Affairs,
International Economic Relations and representatives of the committe
on Internal Economic Relations, the committee for the Constitutional
Charter Issues and the committee for Kosovo and Metohija

2nd Interparliamentary Meeting

5 December 2005
Belgrade

JOINT STATEMENT

by the Chairpersons of the Delegations

At the conclusion of the 2nd European Parliament - Parliament of Serbia and Montenegro Interparliamentary Meeting, held in Belgrade on 5 December 2005, the two delegations:

On the political situation in Serbia and Montenegro and progress achieved in the framework of the Stabilisation and Association Process

1. welcomed the decision of the Council, on 10 October 2005, to open negotiations for an SAA with Serbia and Montenegro, and the actual opening of negotiations on 7 November 2005 in Belgrade, which is the most important signal from the EU to the country and a tangible mark of the end of political isolation; addressed a pressing invitation to the State Union authorities to catch up and make up for the time lost, initiating and pursuing resolutely the reforms the country needs for itself and for European integration and underlined that the European Commission is continuing to monitor the reform process, also because it is vital for future implementation of an SAA and for economic development; for these reasons, expressed the wish that efficiency of the State Union institutions, especially the Parliament, be reinforced, overcoming conflicting interpretations of the constitutional agreements and problematic articulations of competences between the State Union and the Republics;

2. underlined that the European Union will live up to commitments made to the countries of the Western Balkans and in this respect welcomed the appointment, within the European Parliament, of separate rapporteurs for the respective countries, including for Serbia and Montenegro and for Kosovo;

3. stressed that the political will of the governments and support by the citizens are the key to moving firmly forward on the road towards European integration and that a continuous and

successful progress in reforms will further provide the essential basis for democracy, political stability and economic development of Serbia and Montenegro; urged the authorities of the two Republics of Serbia and Montenegro to co-operate loyally and constructively in the context of the negotiations for an SAA;

4. recognised that one of the key factors hampering, so far, Serbia and Montenegro in achieving EU integration goals was uncertainty about the long-term future of the joint state; welcomed the development of the twin-track approach by the EU, through which the EU has shown flexibility to accommodate the constitutional structure of Serbia and Montenegro and advised the governments to take full advantage of this approach and concentrate on the requirements of the SAP, pending future developments;

5. agreed that the SAA negotiations will be both an opportunity and a test for Serbia and Montenegro and for the Republics, in the sense that they will give an opportunity to the various authorities involved to show their ability to make progress in their areas of responsibility and to prepare for the future implementation of the Agreement; called on the Assemblies of Serbia and Montenegro not to delay legislative reforms and, when adopting new legislation, to already take into account the EU acquis;

6. attached particular importance to the need to respect the Copenhagen political criteria in Serbia and Montenegro and underlined that the functioning of democratic institutions, the rule of law and the building up of administrative capacities need to be pursued and implemented continuously and consistently by all relevant actors over time, an effort requiring unity of political will and determined effort; in this respect, invited the State Union and the Republics to improve the civil service's status and financial situation, to progress further in providing them with appropriate training, to remedy overstaffing where necessary and to combat political interference in the activity of public administration;

7. urged the Parliament of Serbia to adopt the strategy against corruption and the concerned authorities to implement the law on conflict of interest and on free access to information; invited the authorities of Montenegro to intensify the activities against corruption and to revise the law on conflict of interest, according to international standards;

8. agreed that the European integration process must be built on the foundation of shared values and noted the importance of the education system in fostering such values; to this end, urged the authorities of Serbia and Montenegro to ensure that education reform sufficiently takes these values into account and that they are particularly conveyed to the younger generation;

9. reminded the Governments of Serbia and Montenegro and the two Republics that respect for fundamental rights and freedoms, including those of ethnic and national minorities, is one of the Copenhagen criteria and a pre-requisite of the SAP and encouraged the competent authorities, especially the police and the judiciary, to give a more resolute and timely response to possible incidents; considered it a priority to ensure that media fully benefit from freedom of expression and be liberated from political interference; asked the relevant authorities to take measures intended to prevent and pursue the phenomenon of domestic violence and trafficking of women; encouraged the relevant parliamentary committee to ensure and strengthen its democratic control over the military;

10. took note with concern of the continuous difficulties created by the presence in Serbia and Montenegro of a high number of refugees and internally displaced persons and took positive

note of the efforts of the authorities of the Republics in creating the conditions for unimpeded return or local integration, despite the insufficiency of financial resources and practical problems to ensure social and economic rights to refugees;

On the functioning of the rule of law in Serbia and Montenegro and on co-operation with the International Criminal Tribunal for the former Yugoslavia

11. regretted to note that the Commission assessed that the rule of law in Serbia and Montenegro remains fragile; in this regard, deemed that efforts should be deployed for resolving the constitutional uncertainty, structural weaknesses, corruption, organised crime impact, obstruction from parts of the institutional, political, military and governmental security systems and attempts of politicization of the administration and the judiciary; urged Serbia to finalise its strategy and action plan for the fight against organised crime, Montenegro to implement its adopted strategy and both Republics to improve the tools at their disposal, such as the threat analysis, intelligence and other modern investigation techniques, along with judicial instruments like seizures and freezing of assets, bank accounts and proceeds of crime;

12. welcomed good practical judicial co-operation between the Republics, but called on the Serbia and Montenegro authorities, especially those of the Republics, to accelerate the reform of the judiciary, after an accurate exercise of needs assessment, and secure its independence from political pressure, also through adequate and sustained training; welcomed the adoption of the Serbian legislation on witness protection and the new Penal Code; asked, however, for adequate implementation of these acts; stressed that human rights abuses and alleged cases of torture by the police are intolerable and asked the relevant Serbian authorities to enact relevant legislation with regard to the reform of the police and security services and the reform of pre-trial detention; recommended to Montenegro to accelerate implementation of the legislation of April 2005 on the police and the National Security Agency; shared the Commission's assessment that generally there is a need in both Republics for effective law enforcement, which should pass also, among others, through the introduction of a code of ethics for the police;

13. were pleased to record the significant progress made by the State Union and the Serbian authorities in co-operation with the ICTY and to note that domestic courts competent for war crimes trials have continued to be co-operative; reminded them however that the current positive efforts should be stepped up until the achievement of “full” co-operation and that the governments' co-operation policy needs the continuous and full support of the public administration, the police, the judiciary and the army; took positive note of the ongoing parliamentary procedure for Serbia and Montenegro's alignment with the EU common position on freezing the assets of ICTY fugitives;

14. recalled that, while cooperation with ICTY is one key element in dealing with the legacy of the past, a broader debate is required to facilitate reconciliation both nationally and within the broader region, in view of building a future based on shared European values;

15. with regard to the desirable liberalisation of the visa regime, the delegations recognised that progress was dependent on implementing major reforms in the justice and home affairs areas and asked the EU Member States, provided that progress would be recognised, to facilitate the visa issuing process for the Serbo-Montenegrins citizens who wish to travel to EU States for lawful purposes; regretted to note that the State Union is not yet provided with a

harmonised visa regime nor an integrated border management system, which is particularly regrettable in the light of the need to combat more efficiently in the country crime and trafficking, in particular illegal immigration. In this regard, hoped that the concerned authorities, at the State Union and the Republic's levels, will show a much firmer political will and commitment to act, starting, for example, by the alignment of the republics' visa rules with the EU acquis and, in Serbia, by completing the transfer of border control competences from the State Union army to the police;

16. took note with satisfaction of the conclusions of the EU Trojka - Western Balkans Third meeting of the Justice and Home Affairs Ministers, which contain a positive evaluation of some progress made in Serbia and Montenegro, among others, in combating organised crime and tackling illegal immigration and money laundering and agree on clear priorities for 2006 for both the Republics;

On the economic situation in Serbia and Montenegro

17. noted the Commission's assessment that vigorous economic reforms are necessary in the Republics to render their economies competitive; for Serbia, praised the efforts already undertaken for restructuring some sectors, for example the banking sector; regretted to note that the Government sector still absorbs too many resources; encouraged restructuring, privatisation and/or liquidation of the large socially-owned and state-owned enterprises; expressed concern at the fact that the business environment is not as attractive for investment as it could be, being still hampered by bureaucratic obstacles and inefficient functioning of the judiciary; for Montenegro, welcomed the positive macro-economic results but observed that the same weaknesses continue to exist, as in Serbia, in the judiciary and other public sectors, impeding further privatisations and economic development;

18. emphasised the fact, also in view of possible important political developments from 2006 on, that regional integration is important for further progress to be made on infrastructure, energy, trade and the exploitation of natural resources across the countries of the Western Balkans; highlighted the fact that many of the systemic economic problems of the countries concerned can better be addressed through regional co-operation, also in areas such as the return of refugees and fighting against organised crime and corruption; welcomed therefore the efforts made and to be made by Serbia and Montenegro to promote and consolidate good relations with their neighbours, the existing network of free trade agreements and the participation of Serbia and Montenegro in regional and multi-lateral initiatives, both in the political and the commercial fields;

On the present situation in Kosovo and the perspectives for its future status

19. took note of the report of the United Nations Secretary General Special Envoy, and the UN Security Council decision to give its approval to the opening of negotiations on the future status of Kosovo; looked with interest at the ongoing negotiations and hoped that Belgrade and Pristina would proceed carefully in the negotiation process, in the interest of the people living in the province first, and for finding a sustainable solution compatible with regional stability;

On the constitutional relations between Serbia and Montenegro and the perspectives for the future

20. took note of the wish of the Montenegrin ruling majority to submit to a referendum the question of Montenegro's status within the State Union, and urged the Republic's authorities to comply with the constitutional provisions of the State Union and with European and internationally recognised democratic standards; looked forward to the Venice Commission's *avis* on the legal requirements for the organisation of the referendum and shared the Commission's recommendation to the Montenegrin authorities to co-operate with the EU and not to take initiatives for the organisation of the referendum before the delivery of the Venice Commission's *avis*; whatever the final outcome of the referendum, and provided that mentioned standards would have been observed, urged the authorities of the two republics to respect the referendum's results and to continue to co-operate constructively, especially in the light of the European integration perspective and regional stability, and to contribute to the elaboration of a lasting arrangement.

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